

NOTICE OF MEETING
PLANNING COMMISSION
CITY OF ST. GEORGE
WASHINGTON COUNTY, UTAH

PRESENT: Chairman Nathan Fisher
Commissioner David Brager
Commissioner Natalie Larsen
Commissioner Emily Andrus
Commissioner Vardell Curtis
Commissioner Roger Nelson

CITY STAFF: Assistant Public Works Director Wes Jenkins
Community Development Director John Willis
Assistant City Attorney Victoria Hales
Planner III Dan Boles
Development Office Supervisor Brenda Hatch

EXCUSED: Commissioner Ray Draper

CALL TO ORDER/FLAG SALUTE

Commissioner Fisher called the meeting to order at 5:00 pm.
Commissioner Brager led the led the flag salute.

1. **HILLSIDE PERMIT**

Consider a request for a Hillside Development Permit to allow development of two 3-story office buildings located north of the intersection of Riverside Drive and Riverbend Drive. The property is approximately 8.05 acres and the zoning is PD-AP (Planned Development Administrative Professional). The applicant is Vaughn Beal and the representative is Brandee Walker, Civil Science. Case No. 2020-HS-010 (Staff – Wes Jenkins)

Wes Jenkins presented the following:

Wes Jenkins – This is part of a larger development called Anasazi Cove, it came before the planning commission in July and was sent forward for approval. It was determined that the correct site distance triangle was not analyzed in the initial analyzation. They went back and analyzed it for a 45 per mile hour road. That created a larger disturbance area from 30% to 40%. We met with the developer right before City Council because it looked like they would need to go through the process again. They proposed to put in a traffic signal and not cut that hill so far back. The developer proposed to pay 1/3 of the cost, the City Council felt like it was a development issue and the developer would be required to install and pay for the cost. Then City Council decided it wasn't really a good spot for a traffic light. The developer said they would come back

through the process and get a permit to disturb more area. The engineer provided a letter with the rock fall hazard and the high hazard on landslide. In the report they indicated that they couldn't find any evidence of landslide in the project. The hillside asked for that analysis to determine it is a stable slope. The analysis determined that they meet the factor of safety. They will be disturbing an additional portion along Riverside Drive. The hillside felt like that could be removed because it was man made and not consistent with the hillside topography. They are really disturbing 8%, however they indicated that 6% of that is manmade. They are really only disturbing 2% that is not man made. They did recommend they have a deceleration lane and an acceleration lane and then they would be required to provide a left turn lane that does not exist now.

Victoria Hales – A lot of the questions from the public are which access this lines up with in relationship to the development across the street.

Wes Jenkins – This lines up with the west access into Riverside Cliffs.

Commissioner Andrus – How big is the wall on the south side of the building that provides for the site distance, is it a retaining wall?

Wes Jenkins – Yes, by putting in the retaining wall it will allow vehicles to see across with the lowered grade to be able to get their site distance.

Commissioner Curtis – So it just goes up to the building, it's not blocking the site?

Wes Jenkins – No, the retaining walls are being created by lowering that area and increasing that site distance.

Chair Fisher – One of the issues we had last time was the elevation of the building to River Road. With grading that out will the building be lower?

Wes Jenkins – I believe they are keeping that the same elevation, but you can see that in the zone change.

Commissioner Larsen – Is there any curb, gutter and sidewalk along there?

Wes Jenkins – There isn't any there now, but it will be put in as part of the improvements with this development.

Commissioner Curtis – So I understand that the traffic light is not up for discussion, but it will be hard for the people who live in that subdivision to turn out onto River Road.

Commissioner Nelson – I thought I read in AGECE's report that they are not suggesting any detention pond because of the expansive soils?

Wes Jenkins – I didn't read that, that's a good question they are proposing one right here along the frontage to capture all of it there. They do have one area on site, that is something we will have to address. They do have a lot of runoff from Foremaster. They are putting a little distilling basin

where they will collect that and then run it through the site. They won't detain it, they will collect it into a desilking basin so that they can cut the silt out and put it in a pipe to run out. It's really what we call a pass by flow because it's not their responsibility to detain it. They are only detaining to settle out anything in the water to keep their pipes clean. There is a detention basin for their site off to the west as so not to impact the site.

Victoria Hales – Any motion should adopt conditions of development as mentioned by Wes Jenkins, and in addition for the landslide and rockfall geohazards, our code requires them to execute a “geologic hazard disclaimer of liability and agreement,” and if there is a plat, add a notice of hazard on the plat, all as required by city ordinances.

Wes Jenkins – You will need to make a specific finding that you concur with hillside the two spots are manmade and should be counted in the overall percentage.

MOTION: Commissioner Brager makes a motion to recommend approval to City Council of the Hillside Permit with all of the conditions recommended by the Hillside Review Board Committee, staff and also the legal requirements as mentioned.

SECOND: Commissioner Nelson

ROLL CALL VOTE:

AYES (5)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen

Commissioner Roger Nelson

NAYS (1)

Commissioner Vardell Curtis

Motion Carries recommend approval

2. **ZONE CHANGE AMENDMENT (ZCA)** (*Public Hearing*)

Consider a request for a Zone Change Amendment to the Hillside Professional Offices (fka Anasazi Cove Commercial) Planned Development. The site is located north of the intersection of Riverside Drive and Riverbend Drive. The property is approximately 8.05 acres and is zoned PD-AP (Planned Development Administrative Professional). The applicant is Vaughn Beal and the representative is Jeff Mathis, MRW. Case No. 2020-ZCA-023 (Staff – Dan Boles)

Dan Boles presented the following:

Dan Boles – The site that will be disturbed is just under 4 acres. This is planned development which does allow for office building. With the exception of the proposed wall there really hasn't been anything much in the way of changes. That wall will be on that south end. I will let the applicant speak on the height of that wall. They meet the parking requirement. The landscaping

in front will need to be worked out because we don't want anything that will block that site distance, but it will still need to meet the code. The buildings are two stories and there is parking underneath each one. The building will be approximately 47 feet.

Commissioner Curtis – Just to confirm parking is ground level under the building?

Dan Boles – Yes, some of it.

Victoria Hales – Dan I just want to be sure that all the developed areas, including parking, are out of the rock fall hazard.

Wes Jenkins – Yes, their rock fall is all outside of that parking area.

Jeff Mathis – I would think most of the questions have been answered. The retaining wall Riverside Drive is 6 to 8 feet. We plan on having the retaining in front of the building be part of the building structure. That way, we can put some surface applications on it and make it seem part of the structure. Other than dropping that landscape in the front to gain our site distance, this is pretty much the same project we brought to you a few weeks ago.

Chair Fisher – Will the elevation be similar to what we see in this picture?

Jeff Mathis – That is a pretty accurate picture, it's what we need to get the site distance.

Chair Fisher opened the Public Hearing.

Brent Higgins – I am a resident of Riverside Cliffs, I have served on two Planning Commissions. I have two concerns that I would like to address, zoning requirements and safety issues. The zoning requirements, there are two areas that considerations that have to be given, both the height and the scope of the impact on the slope. It's approximately 7 feet in higher than what is authorized although you can go higher. I know the developer said that the slope that is going to be disturbed was man made, but that road was made by early settlers. One thing you can look is that both of those issues could be taken care of and resolved if the building height was reduced to one level. This would eliminate the height issue, and with the square footage reduced they would require less parking that would possibly mitigate the impact on the slope area. I don't believe it is the responsibility of the Planning Commission to maximize the revenues needed by the builder. Their responsibility is to meet the planning and zoning requirements. The second issue I would like to address is the safety issue. The mayors first comment when this went before City Council was that a light would need to be put in at that intersection and to be paid for by the developer. The developer came back and said that they would pay 30% and no more. That became that even the developer believes it is an issue that could mitigate the traffic problem there. Neither the developer or the City will pay for the light. The cost will be passed on to the people, to customers of this building or taxes paid by the citizens of St. George. So, when the issue of cost came up they went to plan B and that was to review the site survey which has brought it back to you folks this evening. The reason that was done is the speed around that corner. The fact is the traffic around there is more than 45 mph, it's more than 50. I reached out to the public works department and would like to quote one of the comments. "However, with the improvements to Riverside Drive with the development of the commercial project, that center turn lane west of Riverside

Cliffs will allow vehicles to more safely turn left onto Riverside Drive from the western slope. I disagree with that. I'm pleading with you that tonight when you make your recommendation you don't provide the additional height and exceed those variances. If you approve it even with the variances the least, you owe the citizens of our subdivision is a traffic light. If not, the cost could be my life or one of the other people who live in that subdivision or your life or someone you love. We are pleading with you to look at putting a traffic light at that point, that number 1 make it a safe entry and exit for both the development and us. In addition, it may slow traffic down a bit around that corner.

Chair Fisher closed the Public Hearing.

Victoria Hales – Would you Nathan, as the Chair, give the people who are on ZOOM that I don't recognize, can you give them another minute. If anyone else would like to speak please go to the chat bar and let us know that you would like to speak. It looks like Jeff Thomas would like to speak.

Chair Fisher reopened the public hearing.

Jeff Thomas – I appreciate you letting me say a few words. I recently purchased a lot on Foremaster, on Howard Lane. I do have some concerns about the safety, they go pretty fast around that curve. I just want to make sure it's safe and we anticipate what type of traffic will be there as it grows.

Chair Fisher closed the public hearing.

Victoria Hales – Let the minutes reflect that all public comments have been heard or have had the opportunity to be heard. Comments were taken by many methods: in ZOOM using the "reaction" icon of clapping or thumbs up or the chat feature, and by phone participation, and by in person participation. All methods have been monitored by city staff. The Public Hearing was opened and closed only after everyone had the opportunity to make public comment.

Chair Fisher – I do have one question, Mr. Higgins an issue with regards to zoning ordinance and specifically regarding to a 7 ft height variance, what was that?

Dan Boles – They are asking for additional height, the ordinance states that it caps the height at 40 feet but, goes on to allow up to 60 feet with consideration of certain findings that are outlined in your staff report. If you are comfortable making those findings, then greater height up to 60 feet can be allowed. It doesn't require a variance; it requires you to acknowledge that it's higher than the 40 feet but lower than the 60 feet that can be possible. Dan read the staff report findings.

Chair Fisher – So it's going from 40 feet to 47 feet, and where is that measured from?

Jeff Mathis – Basically on the plan we have it at 46'6". It's from the garage floor elevation, which we call 100 feet. The 46'6" would on be on the Riverside Drive side. The high parapet is actually located on the north side of this building. The one that will be on Riverside Drive the elevation is 44'3" above the garage floor. It is shown on the elevations in your packet.

Chair Fisher – So that does not include the 6-foot retaining wall or the garage elevation area?

Jeff Mathis – No, it does not include the retaining wall, but it does include the garage, it's from the garage floor.

Commissioner Brager – So what is the difference between the curb and the garage floor?

Jeff Mathis – Well we've got that 6 to 8 foot retaining wall and a little bit of slope up. So it is probably in the range of 6 to maybe 9 or 10 feet. Generally speaking, the earth slopes up from the back of the sidewalk or the landscaping, but not so much as to interfere with site distance and then we have the 6 to 8 foot retaining wall.

More discussion on where the measurement is from and whether it meets the code requirement.

Commissioner Curtis – I'm ok with the design and the elevations, everything about the project looks like it's a well thought out project. I still can't get past the traffic safety, that's a concern for me.

Commissioner Brager – With River and Riverside not far away and knowing how everything cues there, in my view, I'm not sure that a traffic light might cause more of an issue during peak times. So if you can't do a traffic light, you surely don't want to do a 4-way stop. So, having decel lanes and accel lanes and turning lanes seem to be the best alternative. The one thing about those is that it doesn't prohibit you from a traffic light, if the turning lanes and things don't work, then a light is always an option. I'm just concerned about the cuing that happens at the River and Riverside intersection that's one of the toughest intersections at the City.

Commissioner Larsen – Doesn't Riverbend come right around that corner too? There's that new road that comes in right there as well.

Commissioner Brager – That's right, that will alleviate some of that as well.

Commissioner Larsen – Or create more traffic, one of the two.

Commissioner Andrus – I was just thinking about what Commissioner Brager said about cuing. I don't think that will be a huge issue, it's pretty far from the signal at Riverside and River Road. Just at a rough measurement it's around 3700 feet. And that's pretty far. I think feel similarly to Commissioner Curtis, they did a really good job, it looks really nice based on those renderings. I just don't know if I feel comfortable recommending approval with that corner and those speeds. I think I agree that the general driver is typically going faster than 45 mph based on my experience. Moving the site distance helped a little bit.

Commissioner Nelson – For the most part I echo what has been said by Commissioner Andrus and Commissioner Curtis. Another concern I have is the expansive soils.

Commissioner Larsen – I am in agreeance with all of that. It almost seems like we are trying to fit a round peg in a square hole. I don't like how much higher it sits up.

Chair Fisher – What is the distance to where the new purple dotted line intersects Riverside to the intersection? From the access point and the new site distance line.

Wes Jenkins – I'm not sure exactly but I think it's somewhere in the 450 to 500-foot range.

Chair Fisher – How quickly can someone traverse that distance at 45 mph?

Commissioner Brager – You are looking at about 7 seconds.

Chair Fisher – The experts say if you have to react, it's a second and a half to move your foot from the accelerator to the brake. I'm going off of some cases I've had in the past where the experts said that. You would still have 5 seconds to come to a stop. I love the project, and even the retaining wall makes it look really good, attractive. The height doesn't concern me as much. What implications would there be to or is it even feasible to provide more site distance there? Or are they pretty much at their limit of what they can do?

Wes Jenkins – The site distance line runs right in front of that parking area and that building, so if you did push it back even further then it would into their building and the parking area.

Discussion continued on traffic speed and site distance.

John Willis – Traffic items are difficult, we have standards, they have a book that they look at. They use whatever methods are in the standards, Wes and Cameron rely on those. The traffic is not as subjective as the architecture, they have a standard that has to be followed.

Wes Jenkins – John is correct. In our access management policy, there are standards that guide us to what the lanes should be for the speed of the road and so forth.

Chair Fisher – At some point we are going to have to rely on those with the expertise to make a recommendation to us. I am assuming that this isn't determined by the best they could get with what they could fit on the lot but, meeting whatever factors of safety the experts require for that intersection.

Wes Jenkins – That is correct. The City uses the AASHTO book, the latest edition which is the standard for traffic engineers. We use that to guide us as to what site distance is required. Again, based on the designed speed and posted speed of the road.

Chair Fisher – I am assuming the standards take into effect the speed limit and reaction time. We have to be cautious. At some point although there is grave concern, at some point we have to rely on the experts and what is required. It sounds like Wes has gone even further to make it safe and we need to decide if we are ok with the standards. If not, then we need to change the standards. In my practice speed or distraction is always a factor. In reality we can talk about what speeds are on those roads, but there is no way to account for someone who is driving faster than they should. If Wes and Cameron and Brandee are saying they are working within the standards, if they've exercised those requirements, then we have to at some point see if we trust that.

Commissioner Brager – The current location of the access makes sense, to make this a buildable lot. They can't put any monument signs to hamper vision. It really comes down to whether this arrangement will work.

Commissioner Curtis – I am concerned with the left turn to go east.

Chair Fisher – I think that we need a condition that any type of foliage is in the mid-level of 1 or 2 feet. I have a case where they planted trees and cut the site distance in half. We will want to control that so that they don't lose what is there now.

Victoria Hales – Any zone change approval should include the same conditions as placed on the Hillside Permit in the prior motion. Also, if the height is approved make the findings required in the code as cited by Dan Boles. They were re-cited by Victoria Hales.

MOTION: Commissioner Nelson made a motion to recommend approval of this zone change amendment, include all of staff comments, legal comments, I make the findings to include legal's comments, the site line must remain clear no impeding foliage.

SECOND: Commissioner Brager

ROLL CALL VOTE:

AYES (4)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Roger Nelson

NAYS (2)

Commissioner Natalie Larsen

Commissioner Vardell Curtis

Motion Carries recommend approval

3. **Minutes**

Consider approval of the minutes from the August 25, 2020 meeting.

MOTION: Commissioner Andrus made a motion to approve the minutes from the August 25, 2020 meeting.

SECOND: Commissioner Nelson

ROLL CALL VOTE:

AYES (6)

Chairman Nathan Fisher

Commissioner David Brager

Commissioner Emily Andrus

Commissioner Natalie Larsen
Commissioner Vardell Curtis
Commissioner Roger Nelson
NAYS (0)
Motion Carries unanimous recommend approval

4. **CITY COUNCIL ACTIONS – September 3, 2020**

The Community Development Director will report on the items heard at City Council from the September 3, 2020 meeting.

1. CUP – The Hive – GG
2. ZCA – South Bridge Center Drive Thrus - DB
3. PP – Desert Canyon Town Center West Commercial – WJ

5. **ADJOURN**

MOTION: Commissioner Brager made a motion to adjourn
SECOND: Commissioner Larsen
ROLL CALL VOTE:
AYES (6)
Chairman Nathan Fisher
Commissioner David Brager
Commissioner Emily Andrus
Commissioner Natalie Larsen
Commissioner Vardell Curtis
Commissioner Roger Nelson
NAYS (0)
Motion Carries unanimous recommend approval